IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 23510 of 2004

Between:

K.Ravi Kumar, S/o.Ramalinga Chari,
Presently working as Child Development Project officer (Contract), ICDS Project, Tallur, Prakasam District.

..... PETITIONER

AND

The Commissioner and Director of Women Development and Child Welfare, A.P. Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ or order or direction more particularly one in the nature of writ of certiorari calling for the records in O.A.No.6623/2004 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad and consequently set-aside the order of the transfer passed by the respondent in his proceedings No.4672/E1/2004, dated 29-11-2004 holding that the same is illegal, arbitrary and violation of Article 14 and 16 of the Constitution of India and pass such other order or orders.

Counsel for the Petitioner: MR.S.NARENDRANATH REDDY

Counsel for the Respondent: GP FOR SERVICES II

The Court at the stage of admission made the following:

ORAL ORDER:- (Per GB,J.)

The Writ Petition is filed challenging the order, dated 9.12.2004 passed by the Andhra Pradesh Administrative Tribunal in O.A.No.6623 of 2004.

2. The matter relates to transfer of the petitioner from Tallur, Prakasam District to Piduguralla, Guntur District.

3. It is the case of the petitioner that he was appointed as Additional Child Development Project Officer on contract basis at Suryapet, Nalgonda District and subsequently, he was posted to Narasaraopet, Guntur District originally. Thereafter, he made a request to transfer him to Tallur, Prakasam District and that request was considered on sympathetic grounds and he was transferred to that place on 2.9.2004. But, within a short span of nearly 2 ½ months he was again transferred to Piduguralla, Guntur District vide Proceedings No.4672/E1/2004 dated 29.11.2004.

4. The said transfer order came to be challenged before the Tribunal. The learned Tribunal refused to interfere with the transfer order and dismissed the same by order, dated 9.12.2004. Assailing the said order, the present Writ Petition has been filed.

5. Learned counsel for the petitioner submits that the transfer order was affected within a very short period of 2 ½ months. Even his earlier transfer to Tallur was on request and therefore, he should have retained till the contract period is completed and hence the order of transfer is illegal and unsustainable.

6. We are afraid we cannot accept the contentions raised by the learned counsel.

7. As per the terms of the contract, he is liable to be transferred to any place without any exigency of service and also performance. Even though he was accommodated on sympathetic grounds, yet the exigency of service requires that he should be posted at some other place, the petitioner cannot have any grievance over such transfers, as he is governed by the service condition being a contract employee.

8. Under those circumstances, we do not find any infirmity in the order passed by the Tribunal and the Writ Petition is accordingly dismissed. No costs.

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G. BIKSHAPATHY, J.

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P.S. NARAYANA, J.

Date: 23-12-2004

ES

To

1. The Commissioner and Director of Women Development and Child Welfare, A.P. Hyderabad.

2. The Registrar, A.P. Administrative Tribunal, Hyderabad.

3. 2 CCs to the G.P. for Services II, High Court of A.P., Hyderabad (OUT).

3. 2 CD copies.